

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JODY KRUG,

Plaintiff,

v.

AUTO-OWNERS INSURANCE COMPANY,

Defendant.

8:23CV511

**ORDER TO
SHOW CAUSE**

On October 10, 2023, plaintiff Jody Krug (“Krug”) brought this action against defendant Auto-Owners Insurance Company (“Auto-Owners”) in the District Court of Douglas County, Nebraska, alleging it wrongfully denied coverage for wind and hail damage to Krug’s residence. Auto-Owners removed the action to this Court on November 16, 2023, asserting the matter “arises under diversity of citizenship” pursuant to 28 U.S.C. § 1332. *See* 28 U.S.C. § 1441.

On November 22, 2023, Auto-Owners filed a Motion to Dismiss and Motion to Bifurcate and Stay Discovery (Filing No. 5). Auto-Owners argues Krug’s Complaint (Filing No. 1) should be dismissed under Federal Rule of Civil Procedure 12(b)(6) “for failure to state a claim upon which relief can be granted.” It also asks the Court to “bifurcate [Krug’s] bad faith claim from the breach of contract claim” and “stay all discovery as to the bad faith claim until the resolution of the contract claim.”

To date, Krug has not responded to Auto-Owner’s motion. Krug shall have until January 19, 2024, to show cause why her Complaint should not be dismissed. *See* Fed. R. Civ. P. 41(b); NECivR 41.2. The failure to timely comply with this order may result in dismissal without further notice.

IT IS SO ORDERED.

Dated this 11th day of January 2024.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge